

REMARKS

Claims 1, 2, 4-10, 12-18 and 20-35 were pending in the Application prior to the outstanding Office Action. With this Amendment, claims 9, 10, 12-16, 25, 27-29, 33 and 35 have been cancelled. Claim 17 has been amended. Claim 36 is new. Accordingly, claims 1, 2, 4-8, 17, 18, 20-24, 26, 30-32, 34 and 36 are currently pending in this application.

The Examiner has rejected claims 9, 10, 12-18, 20-25 and 27-35 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

The Examiner has allowed claims 1, 2, 4-8, 26, 30-32 and 34.

At the outset, Applicants thank Examiner Hartman for the courtesy of several telephone interviews and discussions in an effort to identify proper claim structures to define patentable subject matter in a manner consistent with the requirements of 35 U.S.C. §101. The following actions are hereby taken to effectuate those discussions.

First, a number of claims have been cancelled, as set out above.

Second, independent claim 17, directed to “A computer program product for collecting information about a user” has been amended to recite concrete hardware elements with which the recited software elements interact to produce the stated results. It is Applicants’ understanding that such amendment of claim 17 overcomes the rejection of that claim under Section 101, that status extending as well to claims 18 and 20-24, dependent thereon.

Third, claim 36 is newly added, directed to “A system for collecting information about a user.” It is Applicants’ understanding that this claim passes muster under Section 101 as well.

Applicants also suggest that newly-added claim 36 stands in condition for allowance with no need for further searching. Claim 36 is cast in “means plus function” form, and the recited functions have already been searched and found to constitute patentable subject matter. For example, each of the functions contained in claim 36, such as “requesting and receiving messages” has a counterpart in claim 1. Inasmuch as the previously-conducted searches have been directed to prior art relevant to those functions, it is respectfully suggested that such searching should be considered fully adequate to support a conclusion of patentability regarding claim 36.

CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

The Commissioner is hereby authorized to charge any additional fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (CLAR 1019-1).

Respectfully submitted,

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